

82D CONGRESS
2d Session

} HOUSE OF REPRESENTATIVES {

REPORT
No. 2285

PROHIBITING REDUCTION OF ANY RATING OF TOTAL DISABILITY
OR PERMANENT TOTAL DISABILITY FOR COMPENSATION, PEN-
SION, OR INSURANCE PURPOSES WHICH HAS BEEN IN EFFECT
FOR 20 OR MORE YEARS

JUNE 24, 1952.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. RANKIN, from the Committee on Veterans' Affairs, submitted
the following

REPORT

[To accompany H. R. 6167]

The Committee on Veterans' Affairs to whom was referred the bill (H. R. 6167) to prohibit reduction of any rating of total disability or permanent total disability for compensation, pension, or insurance purposes which has been in effect for 25 or more years, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follow:

On page 1, line 7, strike out the dash and the word "five".

Amend the title so as to read:

A bill to prohibit reduction of any rating of total disability or permanent total disability for compensation, pension, or insurance purposes which has been in effect for twenty or more years.

EXPLANATION OF THE BILL

This bill provides that a rating of total disability or permanent total disability which has been made for compensation, pension, or insurance purposes under laws administered by the Veterans' Administration and which has been continuously in force for 20 or more years shall not be reduced thereafter.

The effect of the bill would be to prevent future physical examinations in the case of veterans who have had such a disability rating for 20 or more years. Under existing laws, veterans who have a total or permanent total disability rating based on conditions other than disabilities resulting from blindness or anatomical losses are apprehensive that an examination ordered at some future date may

not adequately represent their true condition of health and that, as a result of such examination, a reduction in rating may cause them to lose the benefits provided for such total or permanent total disability. In the course of 20 or more years, veterans become accustomed to rely upon such benefits for the support of themselves and their dependents and are in constant uncertainty as to their future security. The enactment of the bill will eliminate such fear of loss and give veterans having total or permanent total disabilities which have persisted for 20 or more years assurance that they will not be deprived of benefits in their old age when continuance of support is most needed.

The committee is of the opinion that there is but little or no probability of recovery from total or permanent total disability which has persisted for 20 or more years continuously and that in such cases it is most likely a waste of Government funds to require a physical examination to determine whether total or permanent total disability will continue after that date.

While no estimate of cost can be given, it is significant to point out that the Veterans' Administration report states that "only in exceptional cases would any veteran be reduced in degree of disability where the rating has been in effect for 20 or more years. Accordingly, the cost of the bill, if enacted, would not be very great." Your committee is of the opinion that the bill would not involve any substantial cost.

The report of the Veterans' Administration follows:

VETERANS' ADMINISTRATION,
Washington, D. C., January 24, 1952.

HON. JOHN E. RANKIN,
*Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, D. C.*

DEAR MR. RANKIN: Reference is made to your request for a report by the Veterans' Administration on H. R. 6167, Eighty-second Congress, a bill to prohibit reduction of any rating of total disability or permanent total disability for compensation, pension, or insurance purposes which has been in effect for 25 or more years.

The purpose of the bill is to provide that a rating of total disability or permanent total disability which has been made for compensation, pension, or insurance purposes under laws administered by the Veterans' Administration, and which has been continuously in force for 25 or more years shall not be reduced thereafter.

Ratings of total disability and permanent total disability for compensation and pension purposes are based generally upon the average impairment resulting from injury or disease. For insurance purposes, a total disability is defined as one which continuously renders it impossible for the disabled person to follow a substantially gainful occupation and total disability is deemed permanent when it is founded upon conditions which make it reasonably certain that such total disability will continue throughout the life of the disabled person.

In cases in which it is shown by two or more examinations that a disability has continued at the same degree for 5 years, it is the long-standing policy of the Veterans' Administration not to schedule future examinations for compensation or pension rating purposes. Reconsideration of ratings in such cases comes about only when new evidence is submitted by such veterans, or a change of condition is disclosed in the report of hospitalization or other sources, or when evidence is received showing that the ratings are clearly erroneous.

The effect of the bill would be to establish a conclusive presumption of permanent total disability notwithstanding the fact of recovery. Permanent total disability is a question of fact and it would be pure fiction to presume the existence of a condition where the facts themselves would not support a finding to that effect. Thus, an individual who is able to follow a substantially gainful occupation can hardly be regarded as being totally and permanently disabled for insurance purposes.

The elements which enter into a rating of permanent total disability for insurance purposes are frequently quite difficult to evaluate. This is especially true as regards the question of the permanency of the disability. Very often a condition which appears likely to continue throughout life will show unexpected improvement enabling the individual to resume gainful employment. Where this has occurred it seems reasonable to assume that the original granting of benefits for permanent total disability resulted from an incorrect rating, and there appears to be no sound basis for continuing payments after the fact of recovery has been definitely established. Any further payments would be in disregard of the facts and the terms of the policy. This would not be in the interest of other policyholders.

The Veterans' Administration has no available data upon which to estimate the cost of the bill, but only in exceptional cases would any veteran be reduced in degree of disability where the rating has been in effect for 25 or more years. Accordingly, the cost of the bill, if enacted, would not be very great.

Due to the urgent request of the committee for a report on this measure, there has not been sufficient time in which to ascertain from the Bureau of the Budget the relationship of the proposed legislation to the program of the President.

Sincerely yours,

O. W. CLARK,
Deputy Administrator
 (For and in the absence of the Administrator).



